

U.S. Federal Register Update: September 10 – September 14, 2018

The U.S. Federal Register Update contains summaries of entries in the U.S. Federal Register that may be of particular interest to the standards and conformity assessment community. This update is provided on a weekly basis by ANSI as a service to its members as part of the Institute's e-newsletter, *What's New?*

[Takes of Marine Mammals Incidental To Specified Activities; Taking Marine Mammals Incidental to Bremerton and Edmonds Ferry Terminals Dolphin Relocation Project in Washington State](#)

Published 9/11/2018

Reference ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that we have issued an incidental harassment authorization (IHA) to Washington State Department of Transportation (WSDOT) to take small numbers of marine mammals, by harassment, incidental to Bremerton and Edmonds ferry terminals dolphin relocation project in Washington State. **This authorization is effective from October 1, 2018, through September 30, 2019.**

[Energy Conservation Program: Decision and Order Granting a Waiver to ITW Food Equipment Group, LLC From the Department of Energy Commercial Refrigeration Equipment Test Procedure](#)

Published 9/12/2018

Reference ANSI, ASHRAE

The U.S. Department of Energy (DOE) gives notice of a Decision and Order (Case No. CR-007) that grants to ITW Food Equipment Group, LLC (ITW) a waiver from specified portions of the DOE test procedure for determining the energy consumption of commercial refrigerators, freezers, and refrigerator-freezers (collectively, "commercial refrigeration equipment"). Under the Decision and Order, ITW is required to test and rate specified basic models of its commercial refrigeration equipment in accordance with a specified method. **The Decision and Order is effective on September 12, 2018. The Decision and Order will terminate in conjunction with any future updates to the test procedure for commercial refrigeration equipment located in 10 CFR part 431, subpart C, appendix B. At such time, ITW must use the relevant test procedure for this equipment for any testing to demonstrate compliance with standards, and any other representations of energy use.**

[National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture Residual Risk and Technology Reviews](#)

Published 9/12/2018

Reference ANSI, ASME, ASTM

The Environmental Protection Agency (EPA) is proposing the results of the residual risk and technology reviews (RTR) for three rules—the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Surface Coating of Large Appliances; the NESHAP for the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the NESHAP for the Surface Coating of Metal Furniture. The EPA is proposing to find the risks due to emissions of air toxics from these source categories under the current standards to be acceptable and that the standards provide an ample margin of safety to protect public health. We are proposing no revisions to the numerical emission limits based on these risk analyses or technology reviews. The EPA is proposing no new requirements based on the technology review of the NESHAP for the Printing, Coating, and Dyeing of Fabrics and Other Textiles. The EPA is proposing to require the use of high efficiency spray application equipment under the technology review for the two rules that employ the use of coating spray application, the NESHAP for the Surface Coating of Large Appliances and the NESHAP for the Surface Coating of Metal Furniture, if the source is not using the emission rate with add-on control compliance option. The EPA is also requesting comment on whether the high efficiency spray equipment technology requirement under the technology review is necessary in light of the risk analyses indicating that there are ample margins of safety. The EPA also is proposing to amend provisions addressing emissions during periods of startup, shutdown, and malfunction; to amend provisions regarding electronic reporting of performance test results; and to make miscellaneous clarifying and technical corrections. **Comments must be received on or before October 29, 2018. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before October 12, 2018.**

[Designation of Product Categories for Federal Procurement](#)

Published 9/14/2018

Reference ASTM, ISO, SAE, UL

The U.S. Department of Agriculture (USDA) is proposing to amend the Guidelines for Designating Biobased Products for Federal Procurement (Guidelines) to add 30 sections that will designate the product categories within which biobased products would be afforded procurement preference by Federal agencies and their contractors. These 30 product categories contain finished products that are made, in large part, from intermediate ingredients that have been proposed for designation for Federal procurement preference. USDA is also proposing minimum biobased contents for each of these product categories. Additionally, USDA is proposing to amend the existing designated product categories of general purpose de-icers, firearm lubricants, laundry products, and water clarifying agents. **USDA will accept public comments on this proposed rule until November 13, 2018.**

[Accreditation and Approval of Intertek USA, Inc. \(Gonzalez, LA\) as a Commercial Gauger and Laboratory](#)

Published 9/10/2018

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Gonzalez, LA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 25, 2017. **Intertek USA, Inc. (Gonzalez, LA) was approved and accredited as a commercial gauger and laboratory as of May 25, 2017. The next triennial inspection date will be scheduled for May 2020.**

[Accreditation and Approval of Inspectorate America Corporation \(Savannah, GA\), as a Commercial Gauger and Laboratory](#)

Published 9/10/2018

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation (Savannah, GA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of October 11, 2017. **Inspectorate America Corporation (Savannah, GA) was accredited and approved, as a commercial gauger and laboratory as of October 11, 2017. The next triennial inspection date will be scheduled for October 2020.**

[Accreditation and Approval of Bennett Testing Service, Inc. \(Rahway, NJ\), as a Commercial Gauger and Laboratory](#)

Published 9/10/2018

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Bennett Testing Service, Inc. (Rahway, NJ), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 22, 2018. **Bennett Testing Service, Inc. (Rahway, NJ) was accredited and approved, as a commercial gauger and laboratory as of May 22, 2018. The next triennial inspection date will be scheduled for May 2021.**

[Repeal of Regulation Requiring an Approved New Drug Application for Drugs Sterilized by Irradiation](#)

Published 9/12/2018

Reference ASTM, ISO

The Food and Drug Administration (FDA, the Agency, or we) is proposing to repeal a regulation that requires an FDA-approved new drug application (NDA) or abbreviated new drug application (ANDA) for any drug product that is sterilized by irradiation (the irradiation regulation). Repealing the irradiation regulation would mean that over-the-counter (OTC) drug products that are generally recognized as safe and effective, that are not misbranded, and that comply with all applicable regulatory requirements can be marketed legally without an NDA or ANDA, even if they are sterilized by irradiation. FDA is proposing to take this action because the irradiation regulation is out of date and unnecessary. The technology of controlled nuclear radiation for sterilization of drugs is now well understood, and our regulations require that OTC drugs be manufactured in compliance with current good manufacturing practices (CGMPs). Appropriate and effective sterilization of drugs, including by irradiation, is adequately addressed by the CGMP requirements. This action is part of FDA's implementation of Executive Orders (EOs) 13771 and 13777. Under these EOs, FDA is comprehensively reviewing existing regulations to identify opportunities for repeal, replacement, or modification that will result in meaningful burden reduction while allowing the Agency to achieve our public health mission and fulfill statutory obligations. **Submit either electronic or written comments on the proposed rule by November 13, 2018.**

[Submission for OMB Review; Comment Request](#)

Published 9/10/2018

Reference ASTM

NIST's Engineering Laboratory will be developing methods to evaluate performance of exoskeletons in two key areas (1) The fit and motion of the exoskeleton device with respect to the users' body and (2) The impact that using an exoskeleton has on the performance of users executing tasks that are representative of activities in industrial settings. The results of these experiments will inform future test method development at NIST, other organizations, and under the purview of the new American Society for Testing Materials (ASTM) Committee F48 on Exoskeletons and Exosuits.

[Energy Conservation Program: Energy Conservation Standards for Dedicated-Purpose Pool Pump Motors, Notice of Request for Direct Final Rule](#)

Published 9/11/2018

Reference NEMA, UL

On August 14, 2018, the Department of Energy (DOE) received a petition submitted by a variety of entities (collectively, the Joint Stakeholders or the Petitioners) asking DOE to issue a direct final rule for energy conservation standards for dedicated-purpose pool pump (DPPP) motors. Through this notification, DOE seeks comment on whether to proceed with the proposal, as well as any data or information that could be used in DOE's determination whether to issue a direct final rule. **Written comments and information are requested on or before October 26, 2018.**

[Special Conditions: The Boeing Company \(Boeing\), Model 787-8, 787-9, and 787-10 Series Airplanes; Dynamic Test Requirements for Single-Occupant, Oblique \(Side-Facing\) Seats With or Without Airbag Devices or 3-Point Restraints](#)

Published 9/12/2018

Reference SAE

These amended special conditions are issued for the Boeing Model 787-8, 787-9, and 787-10 series airplanes. This amendment states that the Boeing Model 787-8, 787-9, and 787-10 series airplanes oblique (side-facing) seats may be installed at an angle of 18 to 45 degrees to the airplane centerline and may include a 3-point or airbag restraint system, or both, for occupant restraint and injury protection. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features are oblique (side-facing) single-occupant seats equipped with airbag devices or 3-point restraints. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. **This action is effective on Boeing on September 12, 2018. Send comments on or before October 29, 2018.**

[Special Conditions: The Boeing Company \(Boeing\), Model 777 Series Airplanes; Dynamic Test Requirements for Single Occupant Oblique Seats, With or Without Airbag Devices or 3-Point Restraints](#)

Published 9/12/2018

Reference SAE

These amended special conditions are issued for the Boeing Model 777 series airplanes. This amendment states that the Boeing Model 777 series airplanes oblique (side-facing) seats may be installed at an angle of 18 to 45 degrees to the airplane centerline and may include a 3-point or airbag restraint system, or both, for occupant restraint and injury protection. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features are oblique (side-facing) single-occupant passenger seats equipped with or without airbag devices or 3-point restraints. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. **This action is effective on The Boeing Company on September 12, 2018. Send comments on or before October 29, 2018.**
